

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

(Fill in Complainant's Name)

VS.

(Fill in Defendant's Name)

Case _____
(Commission Use Only)

**COMPLAINT FOR AUTHORIZATION TO CONDEMN
PROPERTY FOR THE PURPOSE OF OFFERING
COMPETITIVE UTILITY SERVICES (SB 177)**

Notice to Property Owner or Other Defendant: A public utility has filed this complaint with the California Public Utilities Commission (Commission) pursuant to Senate Bill 177 (SB 177) as a first step toward taking all or part of your property, after paying you for the value of the property, for use in providing competitive utility services. In order to protect your rights, you must file a written answer with the Commission in San Francisco within 30 days of the date that the complaint was mailed or personally delivered to you.

You have the right to be represented by an attorney, although you are not required to have an attorney to participate in Commission proceedings. An informational manual on SB 177 cases and the Commission Rules of Practice and Procedure are available on the Commission website at www.cpuc.ca.gov. You may also obtain the manual or information on Commission procedures from the Commission Public Advisor's Office in San Francisco at (415) 703-2074 or public.advisor@cpuc.ca.gov or in Los Angeles at (213) 576-7055 or public.advisor.la@cpuc.ca.gov

Aviso al Dueño de la Propiedad u Otra Persona Acusada: Una compañía de servicios públicos ha presentado esta queja ante la Comisión de Servicios Públicos de California (*California Public Utilities Commission*) (La Comisión) en conformidad con el Proyecto de Ley del Senado #177 (SB 177) como una primera medida para tomar toda o parte de su propiedad, después de pagarle el valor de la misma, a fin de utilizarla para proveer servicios públicos competitivos. A fin de proteger sus derechos, usted tiene que presentar una respuesta por escrito a la Comisión en San Francisco, en un plazo de 30 días a partir de la fecha en que se envió la queja por correo o que se le entregó personalmente.

Usted tiene el derecho a que un abogado le represente, aunque no se le requiere contar con uno para participar en el proceso de la Comisión. Un manual informativo sobre los casos del SB 177 y las Reglas de Prácticas y Procedimientos de la Comisión están a la disposición en el sitio electrónico de la Comisión en el www.cpuc.ca.gov. Además, usted puede obtener el manual o la información sobre los procedimientos de la Comisión de la Oficina del Asesor Público de la Comisión en San Francisco en el (415) 703-2074 ó en la dirección electrónica en el public.advisor@cpuc.ca.gov o en Los Angeles en el (213) 576-7055 ó en la dirección electrónica en el public.advisor.la@cpuc.ca.gov.

給財產物主或其它被告的通知：一家公共事業已經按照參議院法案第177 (SB 177)條向加州公共事業委員會（委員）提出了這項投訴，作為向著接受您全部或部份財產的第一步，在支付您該財產的價值後，使用在提供的競爭公共事業的服務中。為了保護您的權利，您必須在投訴被寄出或被親自送給您的日期後的30天之內向在三藩市的該委員會遞交一份書面回答。

雖然在委員會行動中您不需要有一位律師參加，但您有權利由一位律師來代理。一份關於SB 177 案情和委員會實行及程序規則的資訊手冊在該委員會的www.cpuc.ca.gov網址上有。您也可以打(415) 703-2074電話給在三藩市的委員會公共諮詢辦公室從該處獲得有關委員會程序手冊或資訊或網路：public.advisor@cpuc.ca.gov 或打(213) 576-7055電話給在洛杉磯的委員會公共諮詢辦公室或網路：public.advisor.la@cpuc.ca.gov。

1. Complainant (Condemnor)

Name

Address

Fax Number (if any)

Email (if any)

Phone Number (Please include area code.)

1.1. Represented by (Attorney or other representative):

Name

Address

Fax Number (if any)

Email (if any)

Phone Number (Please include area code.)

2. Defendant (Condemnee) (You must name the property owner as a defendant.)

Name

Address

Fax Number (if any)

Email (if any)

Phone Number (Please include area code.)

Name

Address

Fax Number (if any) Email (if any)

Phone Number (Please include area code.)

(Please attach additional sheets if necessary.)

2.1. Represented by (Attorney or other representative, if known)

Name

Address

Fax Number (if any) Email (if any)

Phone Number (Please include area code.)

3. Description of Property You Area Seeking To Acquire

3.1. Location of Property that You are Seeking to Acquire

Street Address

County and State

3.2. Assessor's Parcel Number(s) (APN) of the Property that You Are Seeking To Acquire.

3.3. If you are not seeking to acquire the entire parcel, please describe the portion of property that you are proposing to acquire.

**3.4. Legal Interest in Property that You Are Seeking To Acquire
(i.e., fee simple, easement, lease, license, etc.)**

3.5. Please attach a legal description and plat of the property that you are seeking to acquire.

4. Purpose of Proposed Acquisition:

4.1. Please state all types of services you are proposing to offer or are currently offering that you believe make the acquisition of the property necessary.

5. Explain fully and clearly the details of your allegations, including the interest in the property allegedly held by each defendant. (Attach additional pages if necessary.) Please address the following, with your explanation:

5.1. Do you allege that your proposed acquisition of the property is in the public interest?

Yes ☐ No ☐

Explanation:

5.2. If yes, do you allege:

- (A) The proposed condemnation is necessary to provide service as a provider of last resort to an unserved area (“provider of last resort”). (Public Utilities Code Section 625(b(1))**

Yes ☐ No ☐

OR

- (B) All of the following:**

Yes ☐ No ☐

- (1) The public interest and necessity require the proposed project.**
- (2) The property to be condemned is necessary for the proposed project.**
- (3) The public benefit of acquiring the property by eminent domain outweighs the hardship to the owners of the property.**
- (4) The proposed project is located in a manner most compatible with the greatest public good and least private injury (“the 4 part test”). (Public Utilities Code section 625(b)(2))**

- (C) Both A and B, in the alternative.**

Yes ☐ No ☐

5.3. If you allege (A) or (C) above (“provider of last resort”), please respond to the following:

5.3.1. Is your acquisition of the property necessary to provide service as a provider of last resort to an unserved area?

Yes ☐ No ☐

Explanation:

5.3.2. If yes, are there competing offers from facility-based carriers to serve the area?

Yes ☐ No ☐ Don't Know ☐

If yes, please give the names, addresses, and phone numbers of any facility-based carriers who have made competing offers to serve the area:

Name

Address

Fax Number (if any)

Email (if any)

Phone Number (Please include area code.)

Name

Address

Fax Number (if any)

Email (if any)

Phone Number (Please include area code.)

| | |
|--|----------------|
| <hr/> | |
| Name | |
| <hr/> | |
| Address | |
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| <hr/> | <hr/> |
| Fax Number (if any) | Email (if any) |
| <hr/> | |
| Phone Number (Please include area code.) | |
| <hr/> | |

5.4. If you are alleging (B) or (C) (“the 4 part test”), please respond to the following:

5.4.1. Do you allege all of the following:

5.4.1.1. That the public interest and necessity require the proposed project?

Yes ☐ No ☐

If yes, please address the social, economic, environmental and esthetic effects that would be likely to result from the project, including your operations at the property, along with other relevant issues:

Explanation:

5.4.1.2. That the property sought to be condemned is necessary for the proposed project?

Yes ☐ No ☐

If yes, please address all of the following, along with other relevant issues:

- Your ability to provide competitive services without acquiring the property, or by acquiring a smaller area of the property or a lesser legal interest in the property.
- The suitability of the property for your use in providing competitive services,
- Whether you are proposing to acquire the property to meet a current or future need for service,
- Whether there is evidence of a current or future need for these services.

Explanation:

5.4.1.3. That the public benefit of acquiring the property by eminent domain outweighs the hardship to the property owners?

Yes ☐ No ☐

If yes, please address the benefits to the public that would result from your acquisition of the property and any resulting hardships to the property owner, including displacement from a home or business.

Explanation:

5.4.1.4. That the proposed project is located in a manner most compatible with the greatest public good and the least private injury?

Yes ☐ No ☐

Please address the following in your explanation, along with other relevant issues:

- Is the property that you are seeking to acquire for your use in offering competitive services the site that will most benefit the public and cause the least possible harm to the property owner?
- Have you considered other properties as potential sites for your use in offering competitive services? If yes, please state the street address, county, and assessor's parcel number (APN) for each property considered.
- What were the reason(s) for your selection of this property for acquisition, rather than other properties in the area?
- If you have not considered other properties as potential sites, please explain the reasons you have not done so.

Explanation:

6. Scoping Memo Information

6.1. The proposed category for the complaint is:

[X] Adjudicatory

6.2. A hearing on the complaint will be held pursuant to Section 625 of the Public Utilities Code.

6.3. The issues to be considered are:

6.4. The schedule for resolving the complaint within the time frames established by Section 625 of the Public Utilities Commission is:

Hearing: Commenced within 45 days, unless the Defendant requests postponement for up to 30 days for discovery or hearing preparation.

Decision: Within 45 days of conclusion of hearing, unless the assigned ALJ or Commissioner extends this time an additional 30 days for briefing.

7. Wherefore, complainant requests an order: State clearly the exact relief desired. (Attach additional pages if necessary.)

SUPPLEMENTAL QUESTIONS

8. Owner and Other Persons Having an Interest in the Property

8.1. Owner of Property that You are Seeking to Acquire.

Name

Address

Fax Number (if any)

Email (if any)

Phone Number (Please include area code)

(Please attach additional sheets if necessary.)

8.2. Occupant of the Property that You are Seeking to Acquire (If Other than Owner).

Name

Address

Fax Number (if any)

Email (if any)

Phone Number (Please include area code)

(Please attach additional sheets if necessary.)

8.3. Other Persons Who have A Legal Interest (Such as an Easement or a Deed of Trust) in the Property That You are Seeking to Acquire.

Name

Address

Fax Number (if any)

Email (if any)

Phone Number (Please include area code)

Name

Address

Fax Number (if any) Email (if any)

Phone Number (Please include area code.)

(Please attach additional sheets if necessary.)

- 9. Names, addresses and phone numbers of other public utilities or entities already offering or who have proposed to offer the same type of service in the area you are proposing to offer and for which you are seeking to acquire the property.**

Name

Address

Fax Number (if any) Email (if any)

Phone Number (Please include area code.)

Name

Address

Fax Number (if any) Email (if any)

Phone Number (Please include area code.)

(Please attach additional sheets if necessary.)

10. Service of Complaint

10.1. Have you served this complaint on the property owners?

Yes ☐ No ☐

10.2. If yes, Date(s) of Service _____

In Person ☐ By Mail ☐ Other _____
(If other, please specify method of service)

10.3. Have you served this complaint on all occupants and other persons who have a legal interest (such as an easement or a deed of trust) in the property?

Yes ☐ No ☐ N/A ☐

10.4. If yes, Date(s) of Service _____

In Person ☐ By Mail ☐ Other _____
(If other, please specify method of service)

10.5. Have you served this complaint on the owners of adjacent or bordering properties and other property located within 300 feet of the property that you are seeking to acquire?

Yes ☐ No ☐

10.6. If yes, Date(s) of Service _____

In Person ☐ By Mail ☐ Other _____
(If other, please specify method of service)

10.7. Have you served this complaint on both the city and the county in which the property that you are seeking to acquire is located? (If the property located within unincorporated county territory, rather than within a city, only the county should be served.)

Yes ☐ No ☐

10.8. If yes, Date(s) of Service _____

In Person ☐ By Mail ☐ Other _____
(If other, please specify method of service)

10.9. Name, Address and Phone Number of City (if applicable):

Name

Address

Fax Number (if any)

Email (if any)

Phone Number (Please include area code.)

10.10. Name, Address and Phone Number of County:

Name

Address

Fax Number (if any)

Email (if any)

Phone Number (Please include area code.)

10.11. Have you served this complaint on any other public agencies, such as special districts that provide services to the property?

Yes ☐ No ☐

10.12. If yes, Date(s) of Service _____

In Person ☐ By Mail ☐ Other _____

(If other, please specify method of service)

10.13. Names, Addresses, and Phone Numbers of Agencies Served:

Name

Address

Fax Number (if any)

Email (if any)

Phone Number (Please include area code.)

Name

Address

Fax Number (if any) Email (if any)

Phone Number (Please include area code.)

Name

Address

Fax Number (if any) Email (if any)

Phone Number (Please include area code.)

10.14. Have you served this complaint on other public utilities or entities which are offering or proposing to offer the same type of service that you are proposing to offer and for which you are seeking to acquire the property?

Yes ☐ No ☐ N/A ☐

10.15. If yes, Date(s) of Service _____

In Person ☐ By Mail ☐ Other _____
(If other, please specify method of service)

10.16. Name(s), Addresses, and Phone Numbers of Utilities or Other Entities Served:

Name

Address

Fax Number (if any) Email (if any)

Phone Number (Please include area code.)

Name

Address

Fax Number (if any) Email (if any)

Phone Number (Please include area code.)

Name

Address

Fax Number (if any) Email (if any)

Phone Number (Please include area code.)

(Please attach additional sheets if necessary.)

10.17. Have you served this complaint on any other person or entity?

Yes ☐ No ☐

If yes, Date(s) of Service _____

In Person ☐ By Mail ☐ Other _____

(If other, please specify method of service)

10.18. Name, Address, and Phone Number of Person or Entity Served:

Name

Address

Fax Number (if any) Email (if any)

Phone Number (Please include area code.)

Name

Address

Fax Number (if any)

Email (if any)

Phone Number (Please include area code.)

10.19. Please attach proofs of service to verify your service of the complaint as required.

11. Efforts to Obtain the Property Without Condemnation

11.1. Informal Discussion with Owner: Have you discussed the purchase of the property or entering into an agreement to obtain the legal interest in the property that you wish to acquire with the property owner?

Yes ☐ No ☐

11.2. Written Offer: Have you made a written offer to purchase the property or to enter into an agreement to acquire the necessary interest in the property (i.e., a lease, license, etc.) to the property owner?

Yes ☐ No ☐

If yes, date of written offer: _____

11.3. Nature of Dispute: If you have not reached agreement with the property owner regarding the purchase of the property or the acquisition of the necessary interest in the property, please state the issue(s) in dispute:

12. Discussion with Commission Staff:

12.1. Have you discussed the proposed acquisition with Commission staff?

Yes ☐ No ☐

12.2. If yes, please state date(s) and names of staff members with whom you have conferred:

13. Authorization to Offer Competitive Services

13.1. Have you previously obtained Commission authorization to offer the type of services for which you are seeking to acquire the property?

Yes ☐ No ☐

13.2. If yes, please state the date of and the type of approval(s) granted (*i.e., certificate of public convenience and necessity, etc.*)

14. Commission Authorization to Construct Necessary Facilities

14.1. Have you previously obtained Commission approval to construct any facilities that you propose to build for your provision of competitive services on the property?

Yes ☐ No ☐

14.2. If yes, date of approval:

14.3. Type of authorization granted (i.e., certificate of public convenience and necessity, etc.)

15. Have you previously obtained authorization to use the property to provide this type of service at the property from other public agencies?

Yes ☐ No ☐ N/A ☐

15.1. If yes, please state name and address of the public agency, and the date and the type of approval(s) granted (i.e., conditional use, permit, building permit, etc.):

15.2. Do you believe that any other public agency is required to approve your use of the property or your construction on the property?

Yes ☐ No ☐

15.3. If yes, please state name and address of the public agency and type of approval(s) required (i.e., permits, etc.):

Name

Address

Fax Number (if any)

Email (if any)

Phone Number (Please include area code.)

16. CEQA Review

16.1. Do you believe that the Commission's rendering of a decision in this matter is subject to environmental review under the California Environmental Quality Act (CEQA)?

Yes ☐ No ☐

16.2. Please explain your response.

16.3. If you are relying on a categorical or statutory exemption from CEQA review, please state the exemption.

16.4 Has the CEQA review been performed for the underlying project for which you are seeking to acquire the property?

Yes ☐ No ☐ In Process ☐

16.5 If yes, or if CEQA review is in process, please state environmental review being performed:

| | | |
|------------------------------------|------------------------------|-----------------------------|
| Negative declaration. | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Environmental Impact Report (EIR). | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Addendum to EIR. | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Subsequent EIR. | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Supplemental EIR. | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Not Yet Determined. | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Other | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

16.4. Date of Adoption of Negative Declaration or Certification of EIR:

16.5. Name, Address, and Phone Number of Lead Agency:

Name

Address

Fax Number (if any)

Email (if any)

Phone Number (Please include area code.)

16.6. If Negative Declaration has not yet been adopted or EIR has not yet been certified, please explain the status of the environmental review.

17. Dated: _____, California, this _____ day of _____, _____
(city) (date) (month) (year)

(Signature of each Complainant)

(Signature of each Complainant)

(Signature of each Complainant)

Signature of Representative

Address

Fax Number (if any) Email (if any)

Telephone Number (Please include area code.)

Signature of Representative

Address

Fax Number (if any) Email (if any)

Telephone Number (Please include area code.)

Signature of Representative

Address

Fax Number (if any) Email (if any)

Telephone Number (Please include area code.)

VERIFICATION
(For Individuals or Partnerships)

I am (one of) the complainant(s) in the above-entitled matter; the statements in the foregoing document are true of my knowledge, except as to matters which are therein stated on information and belief, and as to those matters, I believe them to be true.

18. Executed on _____, at _____, California.
(date) (city)

(If more than one complainant, only one need sign)

VERIFICATION
(For a Corporation)

I am an officer of the complaining corporation herein, and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except as to the matters that are therein stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

19. Executed on _____, at _____, California.
(date) (city)

20. **FILE the original complaint plus 12 copies, plus 2 copies for each named defendant, with proofs of service attached (see attached sample form) with the Commission.**

MAIL TO: California Public Utilities Commission
Attention: Docket Office
505 Van Ness Avenue, Room 2001
San Francisco, CA 94102